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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Steven William Dyer,

10 Petitioner,

11 v.

12 Charles L. Ryan, et al.,

13 Respondents.
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No. CV-17-01528-PHX-DWL

ORDER

15 Pending before the Court are Petitioner's Petition for Writ of Habeas Corpus
16 pursuant to 28 U.S.C. § 2254 (Doc. 1) and the Report and Recommendation ("R&R") of
17 the United States Magistrate Judge (Doc. 23). The R&R, which was issued on June 26,
18 2018, recommended that the petition be denied and further provided that "[t]he parties shall
19 have fourteen (14) days from the date of service of a copy of this recommendation within
20 which to file specific written objections with the Court." (Doc. 23 at 27.)

21 Here, no such objections have been filed. Thus, the Court accepts the Magistrate
22 Judge's recommendation. *See, e.g., Thomas v. Arn*, 474 U.S. 140, 149-50 (1985) ("It does
23 not appear that Congress intended to require district court review of a magistrate's factual
24 or legal conclusions, under a *de novo* or any other standard, when neither party objects to
25 those findings."); *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) ("[N]o
26 review is required of a magistrate judge's report and recommendation unless objections are
27 filed."). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1221 (9th Cir. 2003)
28 ("[T]he district judge must review the magistrate judge's findings and recommendations

1 de novo *if objection is made*, but not otherwise.”).


2 Accordingly,

3 **IT IS ORDERED** that the R&R (Doc. 23) is accepted and adopted, that the Petition
4 (Doc. 1) is denied with prejudice, and that the Clerk of Court shall enter judgment
5 accordingly.

6 **IT IS FURTHER ORDERED** that a certificate of appealability and leave to
7 proceed in forma pauperis on appeal be **DENIED** because petitioner has not made a
8 substantial showing of the denial of a constitutional right and because the dismissal of the
9 petition is justified by a plain procedural bar and jurists of reason would not find the
10 procedural ruling debatable.

11 Dated this 10th day of December, 2018.

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Dominic W. Lanza
United States District Judge